

***Remarks***

Reconsideration of this Application is respectfully requested. Applicant respectfully requests that the above-amendments be entered because they place the application in condition for allowance.

Upon entry of the foregoing amendment, claims 28-36 are pending in the application, with claim 28 being the only independent claim. These amendments above are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Objection to the Specification***

The specification has been objected to under 35 U.S.C. § 132 because the Examiner asserts that the amendment of April 21, 2003 introduces new matter into the specification. In particular, the thickness of the adhesive layer 41 constituting the combined thickness of the adhesive metal layer, applied prior to the heat treatment, the anti-diffusion metal, and the metal that constitutes the bottom electrode is considered new matter. Applicant traverses the rejection. The Examiner specifically objected to the specification previously as being inconsistent. The Examiner noted in the Office Action dated October 21, 2002, paragraph 6 that

[t]he specification discloses that the main component of the adhesive layer 41 is an alloy of the anti-diffusion metal and the metal that constitutes the bottom . . . electrode (page 44, last paragraph). The specification also discloses

that the thickness of the adhesive [layer] 41 is equal to the combined thickness of the adhesive metal layer and the anti-diffusion metal layer (page 45, last portion of the first paragraph). The latter disclosure does not include the thickness of the metal layer that constitutes the bottom electrode that [is] supposed to be part of the adhesive layer 41 as previously disclosed.

The amendment merely makes the specification consistent, as required by the Examiner.

As such, the amendment is supported by the portion of the specification that the Examiner previously stated made the disclosure inconsistent, in particular, page 44, last paragraph. Further, the Examiner ignores the portion at the top of page 45 of the specification that states, "However, a small amount of the adhesive metal formed at the outset, such as titanium or chromium, remains at the location of this adhesive layer." Accordingly, the specification provides sufficient support for the amendment.

***Rejections under 35 U.S.C. § 112***

Claim 30 has been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is based on the new subject matter objection above. Applicant traverses the rejection for the same reasons discussed above.

***Rejections under 35 U.S.C. § 103***

Independent claim 28, and claims 31 and 32 which depend therefrom, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Published Appl. No. 09-260516 to Sato *et al.* ("JP '516 Publication) in view of U.S. Patent No. 6,208,400

to Kameyama *et al.* ("the '400 patent"). The Examiner states that the arguments of the April 21, 2003 Amendment and Reply were considered, but deemed unpersuasive. In particular, the Examiner states "that Kameyama *et al.* discloses an alloy having good adhesive properties (column 7, lines 10+). The alloy includes metals such as Ti, Cr, Mo W, Al, Ta, Ni. Since these metals have anti-diffusion and adhesion properties and an alloy requires at least two metals, one can be read as anti-diffusion metal while the other is adhesive metal." *See* Office Action, page 9. Applicant respectfully traverses the rejection. Claim 28, as amended, recites that the adhesive layer is formed of alloy containing an anti-diffusion metal and an adhesive metal, and that the anti-diffusion layer is formed of an alloy containing an anti-diffusion metal and *the same* adhesive metal. The art relied upon by the Examiner does not disclose this feature.

Dependent claims 29, 30, and 33-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable on the JP '516 publication and the '400 patent, and further in view of either U.S. Patent No. 6,414,975 to Ishibashi *et al.* (claims 29 and 30) or U.S. Patent No. 5,802,686 to Shimada *et al.* (claim 33-36). These claims depend from independent claim 28 and are allowable for at least the same reasons as claim 28, discussed above.

Accordingly, Applicant respectfully requests that the rejections be withdrawn.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the

outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. Ferro', with a long horizontal flourish extending to the right.

Albert L. Ferro  
Attorney for Applicant  
Registration No. 44,679

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1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600